

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-3655 VAP (MRW)	Date	May 18, 2017
Title	Schumaker v. Ahmed		

Present: The Honorable Michael R. Wilner

Veronica Piper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None present

None present

Proceedings: ORDER TO SHOW CAUSE RE: TRANSFER OF ACTION

1. This is a civil rights action. Plaintiff alleges that a prison physician was deliberately indifferent to his need for treatment on his hip. Plaintiff claims that he unnecessarily waited several years for a hip replacement procedure.

2. Plaintiff is currently housed at the state prison in Chino, California. That is located in the Central District of California, which is the federal judicial district in which he filed this civil case. However, it is apparent from the face of the complaint that the alleged misconduct for which he seeks relief occurred when he was housed at the state prison in Soledad in Monterey County, California. Venue for actions that arise in that region is appropriate in the federal court for the Northern District of California.

3. Federal law [28 U.S.C. § 1404(a)] states that, “[f]or the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” In the present action, it is likely that the defendant (Dr. Ahmed) and other prison-based witnesses who may be involved in the action live in the Northern District. Further, the federal court in the Northern District – which has considerable familiarity with conduct occurring in state prisons in the region – likely has great experience in handling and resolving prison-related claims such as Plaintiff’s.

4. The Court is likely to transfer the action from the Central District to the Northern District for the reasons stated above. However, before doing so, it is appropriate to solicit his views (if any) on the subject. Therefore, Plaintiff is ordered to submit a statement (not to exceed five pages) by June 9 regarding the potential transfer of this action to the federal court in the Northern District. If Plaintiff does not object to the transfer, he may inform the Court of this.

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5. The Court defers consideration of Plaintiff's request for in forma pauperis status until the resolution of the venue issue.